

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IVAR VONN STAICHER.

1:18-cv-01284-SAB (PC)

Plaintiff,

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

V.

WESTCARE FOUNDATION INC, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1331(b).

In this case, although Plaintiff contends that WestCare Foundation is located in Fresno, California, he clearly states that the action involves substance abuse treatment at the California Men's Colony and Jamie Naylor is the main Defendant who is employed and located at the California Men's Colony in San Luis Obispo. Thus, the claim arose in San Luis Obispo County,

1 which is in the Central District of California. Therefore, Plaintiff's claim should have been filed
2 in the United States District Court for the Central District of California. In the interest of justice,
3 a federal court may transfer a complaint filed in the wrong district to the correct district. See 28
4 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
6 States District Court for the Central District of California.

7 IT IS SO ORDERED.
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9 Dated: September 24, 2018


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UNITED STATES MAGISTRATE JUDGE